



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,924	05/15/2001	William J. Larkin	13445-102	9466

26486 7590 04/16/2003

PERKINS, SMITH & COHEN LLP
ONE BEACON STREET
30TH FLOOR
BOSTON, MA 02108

EXAMINER

PIERCE, JEREMY R

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 04/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/855,924

Applicant(s)

LARKIN, WILLIAM J.

Examiner

Jeremy R. Pierce

Art Unit

1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Amendment A has been filed on February 20, 2003 as Paper No. 4. Claims 1, 6, 7, 11, and 22 have been amended. The amendment and arguments set forth in Paper No. 4 are sufficient to withdraw the 35 USC 112, 102, and 103 rejections from the last Office Action.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-3, 11-15, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Larkin (U.S. Patent No. 5,740,006).

Larkin discloses a fabric having a multiplicity of electrically conductive microfibers crossing one another to create an ionizing point network (column 4, lines 53-66). With regard to claims 2 and 14, the network can be woven into the fabric (column 6, line 1). With regard to claims 3 and 15, the network may be adhered to the surface (column 6, line 4). With regard to claims 19-22, Larkin disclose grounding the fabric and applying a voltage to it (column 9, lines 10-65).

4. Claims 1, 2, 5-9, 11-14, and 19-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Larkin (U.S. Patent No. 5,690,014).

Larkin discloses a cord comprising woven or braided strands of electrically conductive microfibers and non-conductive fibers (column 3, lines 40-63). A woven cord material would have structure sufficiently similar to the claimed cloth material of the present invention. With regard to claim 5, Larkin disclose using cotton, nylon, rayon, or polyester as the non-conductive fiber (column 6, lines 26-29). With regard to claims 8 and 19-22, Larkin discloses the cord may be grounded or a voltage may be applied to it (column 8, lines 13-28).

5. Claims 1, 3, 5-7, 11-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamada (U.S. Patent No. 5,213,865).

Yamada discloses an anti-static mat that comprises conductive microfibers that project from the surface of the fiber (column 5, lines 1-47 and Figures 3-7). These fibers would create the claimed ionizing point network. With regard to claims 3 and 15, the pile fibers are glued onto the surface through the backing material (column 8, lines 24-60). With regard to claim 5, the mat may comprise a nylon fabric (column 4, line 2).

6. Claims 1, 2, 4-7, 9, 11-14, and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Klein (U.S. Patent No. 3,678,675).

Klein discloses a yarn that is heterogeneously blended from conductive and non-conductive fibers (column 2, lines 55-57). The conductive staple fibers in the yarn would create the claimed ionizing point network. The fibers can be woven along with facing yarns into carpet backing fabric (column 2, lines 64-67). With regard to claims 4 and 16-18, the fibers can be directly tufted into the carpet backing fabric (column 2,

lines 64-67). With regard to claim 5, the fiber may be blended with cotton or nylon fibers (column 5, lines 6-59).

Claim Rejections - 35 USC § 103

7. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Klein or Yamada in view of McCullough et al. (U.S. Patent No. 4,756,941).

Neither Klein nor Yamada disclose using carpet that has a nonwoven configuration. McCullough discloses that conductive carpet can be made with a nonwoven structure (column 3, lines 4-48). It would have been obvious to one having ordinary skill in the art to use a nonwoven construction for the carpeting in either Klein or Yamada in order to more easily manufacture the carpet.

Response to Arguments

8. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 5,501,899 to Larkin and U.S. Patent No. 3,882,667 to Barry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy R. Pierce whose telephone number is (703)

Art Unit: 1771

605-4243. The examiner can normally be reached on Monday-Thursday 7-4:30 and alternate Fridays 7-4.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (703) 308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Jeremy R. Pierce
Examiner
Art Unit 1771

April 10, 2003



ELIZABETH M. COLE
PRIMARY EXAMINER